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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,162	10/31/2000	Benjamin M. Cahill III	INTL-0438-US-(P9450)	9745

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EXAMINER	
ABDULSELAM, ABBAS I	
ART UNIT	**PAPER NUMBER**
2677	

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/703,162	CAHILL, BENJAMIN M.	
	Examiner	Art Unit	
	Abbas I. Abdulselam	2677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 October 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15 and 17-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15 and 17-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 10/06/05 have been fully considered but they are not persuasive.

Regarding claims 1, 10 and 17, Applicant argues that the cited reference, Vos (USPN 637003) does not teach alpha value indicating how a video signal and a graphic signal are to be combined and adjusting a flicker filter based upon the alpha value. However, as shown in the art rejection below, Vos teaches correcting flicker and flutter effects of an on-screen display overlaid on a video image (col. 1, lines 15-20 and the abstract). Vos teaches (FIG. 3) an OSD generation interface 30, which is connected to an OSD insertion interface 32 by a first data bus 34, and indicates a video signal 36 that represents an original video signal that is transmitted to the OSD insertion interface 32 by a first link 38. Vos further teaches a processing interface 40 exchanging information with the OSD insertion interface 32 through a second data bus 42 and a third data bus 44(col. 5, lines 7-22 and Fig. 3 (32)). Therefore, since an OSD insertion interface (32) as configured in Fig. 3 receives and processes OSD, graphic (30) and video (36) inputs, it produces the required claim limitation of alpha as defined in the claim. Applicant argues that Vos does not teach a controller to associate an alpha value with a signal to be displayed; and a processor coupled to the controller to execute a software program which includes instructions that if executed enable the system to adjust a flicker filter based upon the alpha value. However, as shown in the art rejection below, Vos teaches a control unit (48) as shown in Fig. 3 controlling some operations including that of processing interface (40) through which mathematical filter with an associated equation with respect to the values of pixels of the OSD are communicated

((Fig. 3 (40, 48) and col. 5, lines 16-22 and 35-40). Therefore, a control unit (48) and processing interface (40) as configured in Fig. 3 read over and are inherent to the desired controller and a software program respectively.

Regarding claim 2, applicant argues that Young does not teach or suggest comparing an alpha value to a threshold value since Young does not teach an alpha value as claimed.

However as mentioned in the art rejection below, Vos teaches an OSD insertion interface (32) as configured in Fig. 3 receiving and processing OSD, graphic (30) and video (36) inputs, Hence, it produces the required claim limitation of alpha as defined in the claim. Young teaches the alpha test unit (306) which compares the alpha value of a pixel to a threshold and outputs the result to "Z compare unit" which in turn transfers its own output to alpha blending unit (310) (col. 3, lines 25-67, col. 4, lines 1-3 and Fig. 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vos' flicker correction shown in Fig. 3 to adapt Young's idea of threshold comparison illustrated in Fig. 3 because the use of alpha test unit which includes threshold comparison helps function a blending process as taught by Young (col. 3, lines 45-51). In addition, In response to applicant's argument that Young does not teach an alpha vale as claimed, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 10 and 17 rejected under 35 U.S.C. 102(e) as being anticipated by Vos (USPN 6327003).

Regarding claim 1, Vos teaches a method comprising: receiving an alpha value, wherein the alpha value indicates how a video signal and a graphic signal are to be combined; and adjusting a flicker filter based upon the alpha value (Fig. 3 (30, 36, 32), col. 4, lines 20-23 and col. 5, lines 5-54).

Regarding claim 10, Vos teaches a system comprising a controller to associate an alpha value with a signal to be displayed; (Fig. 3 (32, 48, 50, 52) and col. 5, lines 16-22) and a processor coupled to the controller to execute a software program which includes instructions that if executed enable the system to adjust a flicker filter based upon the alpha value (Fig. 3 (30, 36, 32), col. 4, lines 20-23 and col. 5, lines 5-54).

Regarding claim 17, Vos teaches an article comprising a medium storing instructions, enable a processor-based system to receive an alpha vale (col. 4, lines 40-49), wherein the alpha

value indicates how a video signal and a graphics signal are to be combined; and adjust a flicker based upon the alpha value (Fig. 3 (30, 36, 32), col. 4, lines 20-23 and col. 5, lines 5-54).

3. Claims 2-9, 11-15, and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vos (USPN 6327003) in view of Young. (USPN 6144365).

Regarding claims 2-4, 6, 8-9, 16, 18-20 and 22, Vos does not teach comparing the alpha value to a predetermined threshold value, subtracting the alpha value from a threshold value and performing division with respect to alpha value. Young on the other hand teaches the alpha test unit (306) which compares the alpha value of a pixel to a threshold and outputs the result to "Z compare unit" which in turn transfers its own output to alpha blending unit (310) (col. 3, lines 25-67, col. 4, lines 1-3 and Fig. 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vos' flicker correction shown in Fig. 3 to adapt Young's alpha test unit (306) as configured in Fig. 3 because the use of alpha test unit helps function a blending process as taught by Young (col. 3, lines 45-51).

In addition Young further teaches details of alpha bending unit (310) to include adder, subtract or, multiplier and divider (430, 422, 428 426) as shown. See Fig. 4. Furthermore since Yong teaches the alpha test unit (306), which compares the alpha value to a predetermined threshold value, it would be obvious to utilize Young's concept of threshold comparison of alpha value inside Vos' system of OSD on a video image. One of ordinary skill in the art would have

ascertained that the predetermined threshold value could be manipulated mathematically in a desired format and manner.

Regarding claims 6, 12-14 and 17-22, Vos teaches a method for correcting flicker and flutter of an OSD on a video image (see the abstract). It would also be obvious to utilize Young's concept of threshold comparison of alpha value inside Vos' flicker correction with respect to OSD on a video image.

Regarding claims 5, 7, 11, 15 and 21, Vos teaches a required pixel is a pixel of the video image that is not covered by the OSD, and the other pixel belongs to the closest line of the video image that is covered by the OSD making it possible to simplify the use of mathematical filters associated with a unique equations for all of the lines of the overlaid OSD (see the abstract, equations 3 and 4 on col. 3, lines 55-60)). It would be obvious to one of ordinary skill in the art to ascertain that the Young's threshold comparison of alpha can be utilized with respect to Vos equations 3, and 4).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abbas I. Abdulselam whose telephone number is (571) 272-7685. The examiner can normally be reached on Monday through Friday from 9:00 A.M. to 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on (571) 272-7764. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abbas Abdulselam

Examiner

Art Unit 2677

December 21, 2005

AMR A. AWAD
PRIMARY EXAMINER